## Montgomery council approves sale of Peary High School

Andrews opposes sale, saying building might be needed

by Erin Cunningham and Margie Hyslop | Staff Writers

Montgomery County government will sell the former Robert E. Peary High School to the Melvin J. Berman Hebrew Academy despite protests from the county's Board of Education.

The academy has leased the building since 1996.

The council voted 8-1 on Tuesday to allow the sale, which is expected to become official in the next several weeks.

Councilman Philip M. Andrews (D-Dist. 3) of Gaithersburg voted against the sale, saying the site in Aspen Hill could be needed for a public school in the future.

The council's decision ratifies a deal proposed by County Executive Isiah Leggett (D) to sell the 19.5-acre site in Aspen Hill for \$1.9 million. It includes a provision making it possible for the county to repurchase and occupy the site five years after a judge decides the county needs it for a school.

The state's Board of Public Works, which is composed of Maryland's governor, comptroller and treasurer, must sign off on the deal.

The academy entered into a lease agreement with the county in 1996 that included a provision that the academy eventually could buy the school.

Following the decision Tuesday, Behnam Dayanim, vice president of the academy's board of directors, said the school academy, which enrolls 715 students in grades K-12, was grateful.

"Owning your home helps you feel rooted," he said. "We wanted to feel rooted in the Aspen Hill community, and now we will."

Dozens of ninth-graders from the school attended Tuesday's meeting to support the sale. They joined others who stood and clapped after the council vote.

However, Leggett's plan has drawn criticism from those who say the price is too low and from the county school board, which says the move is ill-advised given that public school enrollment is growing, and large tracts of land are scarce in the downcounty area.

Those claims were disputed Tuesday by some council members who said the school system has 51 unused school buildings and no immediate need for the Hebrew Academy site.

"The school system is accustomed to having it all," said Councilman George L. Leventhal (D-At large) of Takoma Park. "The school system wants everything. It wants its cake and to eat it, too."

Council Vice President Valerie Ervin (D-Dist. 5) of Silver Spring said Monday the school system was not persuasive in making its case for the school. Ervin is expected to be sworn in as council president next week.

Ervin — who is chairwoman of the Education Committee, a member of the fiscal policy committee and a former school board member — said school officials could have made a strong case for keeping the school to ease crowding, even though they learned of Leggett's intentions late in the process.

However, "I would not be supporting this if there were not other opportunities for the school system in the Rockville cluster," Ervin said, referring to several nearby sites among 51 closed county schools.

Leventhal said it was not convincing to hear school officials say they don't need the site now, but might at some unspecified date.

To buy back the school, the county would pay the academy \$1.9 million, plus an adjustment based on the Consumer Price Index, plus the lesser of either the fair market value of the improvements the academy made to rehabilitate what had become a dilapidated building or the almost \$9 million they spent on those nonreligious improvements.

Critics and proponents of selling the site to the academy agree the Orthodox Jewish school's investment turned a building that had become a liability and magnet for crime since the school closed in 1984 into a community asset.

The school also has drawn many families of its 715 students to live nearby.

The current lease, under which the academy has held the site since 1996, ends in 2023. Because of a five-year-notice provision, the county would not be allowed to take back the property until 2028, said Diane Schwartz Jones, assistant chief administrative officer for the county.

If the county were to take back the site sooner under the current lease, the academy could seek damages in a breach-of-contract lawsuit, she said.

Councilman Marc Elrich (D-At large) of Takoma Park, who said he reluctantly supported the sale, said thinks Tuesday's agreement will allow the county to take back the school before 2023 because of the school system's needs.

Dayanim said he hopes that is not the case.

"We expect and hope that we'll be in the property forever," he said.

The Board of Education also opposed sale of the property in 2005, when the academy sought to purchase it for \$1.5 million. The council ordered an economic analysis, and its finding advised against the sale.

Ervin said she wished the council had a new study to inform its decision.

Andrews (D-Dist. 3) of Gaithersburg said, "I have not been convinced it is in public interest to support the sale." The councilman also has said he wants to ban lame-duck councils from making large land deals.